

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

JAYCEN GREGORY HURST,

Debtor.

JAYCEN GREGORY HURST,

§ Civil Action No. **3:11-CV-183-L**
§ (Case No. 10-31037-BJH7)

Appellant,

v.

BAC Home Loans Servicing LP,

Appellee.

MEMORANDUM OPINION AND ORDER

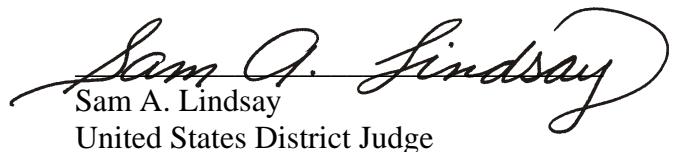
On January 28, 2011, the bankruptcy appeal filed by Jaycen Gregory Hurst was transmitted to this court. Local Bankruptcy Rule 8009.1 requires that Appellant file a brief within twenty-one days after entry of the appeal on the docket of the district court pursuant to Rule 8007 of the Federal Rules of Bankruptcy Procedure. That twenty-one day period concluded on February 18, 2011. To date, no brief has been filed, nor has Appellant sought a deadline extension or leave to file the brief out of time.

The Fifth Circuit Court of Appeals has held:

In reviewing actions taken by a district court in its appellate role, we affirm unless the court has clearly abused its discretion. Bankruptcy appeals have frequently been dismissed for the appellant's failure to comply with the duty of diligent prosecution, and we have dismissed civil appeals for failure of prosecution when the appellant's brief was not timely filed.

In re Braniff Airways, Inc., 774 F.2d 1303, 1305 (5th Cir. 1985) (footnotes omitted); *see also In re McKenzie*, 213 F.3d 639, 2000 WL 554944, *1 (5th Cir. 2000). Appellant has failed to comply with the required procedural rules, and the court determines that Appellant has not been diligent in prosecuting this appeal. It is not incumbent upon the court to ensure that the parties before it follow the relevant procedural rules. Accordingly, the court **dismisses** this appeal **without prejudice** for want of prosecution.

It is so ordered this 26th day of August, 2011.



Sam A. Lindsay
United States District Judge